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10/742,151	12/19/2003	Daryl Carvis Cromer	RPS920030194US1	6014
57736 7590 02/03/2011 PATENTS ON DEMAND, P.A. IBM-RSW 4581 WESTON ROAD SUITE 345 WESTON, FL 33331				
EXAMINER				
TANG, KARIN C				
ART UNIT		PAPER NUMBER		
2447				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/742,151

Applicant(s)

CROMER ET AL.

Examiner

KAREN C. TANG

Art Unit

2447

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-942)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/17/2010 has been entered.
- Claims 1-8, 10-19 are presented for further examination.

Response to Arguments

Applicant's arguments filed 1-8, 10-19 have been fully considered but they are not persuasive.

However, there are few issues that must be noted and are presented as follow:

On 6/17/2010, Pg 10 of the Response Argument, Applicant presented the US Patent NO 6,381,636 (Pg 2, Lines 16) showing that NIC which is capable of operating and response to asset request while its host is powered down.

In another word, Applicant has submitted that "NIC which is capable of operating and response to asset request while its host is powered down." It is well know feature.

However, On 7/16/2009, Pg 11 of the Response Argument, Applicant's has admitted that it is well known for mobile system to wake up periodically and poll the access point for incoming request.

"It is known that network mobile system can operated in a power save mode where they go into a low power state and periodically wake up to see if there is any incoming information from an associated access point as described by the various IEEE 802.11 family of the specification"

And Furthermore, On 7/16/2009, Pg 12 of the Response Argument, Applicant states that the mobile system must be taking as a whole from the outside perspective.

"..From outside the mobile system, when taken as a whole, it is the mobile system that is responding, by virtue of periodically powered up the wireless network adaptor.."

Therefore, it is concluded that Applicant has submitted that:

1) It is well know for the mobile system and its NIC to periodically wake from power down state and to poll access point to see if there is any incoming information; and
20 it is well known that NIC is "capable" to operating and response while its host (i.e., mobile system) is powered down.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al hereinafter Cromer (US 6,381,636) in view of Rajamani et al hereinafter Rajamani in further view of Beach (US 6,067,297).

1. Referring to Claims 1 and 3, Cromer discloses a data processing network configuration comprising:

an access point configured to receive an asset information request to retrieve asset information from a mobile system associated with the access point (refer to Fig 1)

a mobile system having a central processing unit, a system memory, a wireless network adaptor having a MAC address matching the MAC address in the asset information request, and an asset information storage unit which comprises nonvolatile storage connected directly to the wireless network adaptor and which is separate from the system memory, the wireless network adaptor poll the access point to discover the stored request for asset information on the access point (refer to Col 3, Lines 56-76, Col 4, Lines 50- Col 5, Lines 35);

wherein the wireless network adaptor responds to discover of the stored asset information request by retrieving the requested asset information from the asset information storage unit and transmitting the request asset information via the wireless network adaptor to the access point (refer to Col 5, Lines 1-3 and Col 6, Lines 30-35 and Col 8, Lines 2-11); and wherein the wireless network adaptor retrieves the requested asset information from the asset information storage unit via a system management bus by a two wire serial bus, and wherein the mobile system otherwise remains in the power down state (refer to Col 5, Lines 1-3);

Although Cromer disclosed the invention substantially as claimed, Cromer did not explicitly disclosing adaptor periodically wakes powered down state.

Although Applicant has admitted the missing limitation is a well know feature, Examiner has provides reference Rajamani, in analogous art, disclosing that the adaptor periodically wakes powered down state (refer to par 0024).

It would have been obvious for one of ordinary skill in the art to combine the teaching of Cromer with Rajamani because Rajamani's teaching would prevent important loss of data scanned during the polling of the access point.

Although Cromer and Rajamani disclosed the invention substantially as claimed, Cromer and Rajamani did not explicitly disclosing the access point stores requests separately from interface buffers of the access point.

Beach, in analogous art, discloses the access point stores requests separately from interface buffers of the access point (refer to Col 8, Lines 30-45).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Cromer, Rajamani, and Beach because teaching would improve Cromer's system efficiency by establish higher power saving state within the mobile system.

2. Referring to Claims 2, Cromer, Rajamani and Beach disclosed the network of claim 1. Cromer and Beach discloses wherein the access point is configured to recognize the request as a packet containing a media access control (MAC) address repeated multiple times and an appended control field. (Cromer, refer to Col 6, Lines 30, Beach, refer to Col 11, Lines 40-50)"

3. Referring to Claim 4, Cromer, Rajamani, and Beach disclosed the network of claims 1. Beach further disclosing that wherein the access point is configured to store the pending request in a table having an entry for each mobile system associated with the access point wherein each entry in the request contains address of the corresponding mobile system's wireless network adaptor (refer to Fig 5).

4. Referring to Claim 5, Cromer, Rajamani, and Beach disclosed the network of claim 1. Beach further disclosing that wherein the access point store the pending request in a table having an entry for each mobile system associated with the access point wherein each entry in the request contains address of the corresponding mobile system's wireless network adaptor (refer to Fig 5 and refer to Col 8, Lines 30-45) wherein asset information from the mobile system is stored in the allocated entry associated with the mobile system (refer to Col 5, Lines 1-3 and Col 6, Lines 30-35 and Col 8, Lines 2-11).

5. Referring to Claim 6, Cromer, Rajamani, and Beach disclosed the network of claim 1. further disclosing that wherein the access point is to store asset information of the mobile system in the table of the access point (refer to Fig 5)"

6. Referring to Claim 11, Cromer, Rajamani, and Beach disclosed the computer program product of claim 10.

Beach discloses wherein each table entry contains a MAC address of the corresponding wireless network adapter (refer to Fig 5)”

7. Referring to Claim 12, Cromer, Rajamani, and Beach disclosed the computer program product of claim 11.

Beach further discloses wherein the mobile system stores its asset information in the table and computer readable non-transitory storage medium containing code which configures the access point to store the asset information further contains code to configure the access point to, responsive to a subsequent request for the mobile system's asset information, service the request using asset information stored at the access point (refer to Col 8, Lines 30-40);

8. Referring to Claim 17. Cromer, Rajamani, and Beach disclosed the service method of Claim 16.

Cromer, wherein the mobile system contains a Management Information Format (MIF) information (refer to Col 1, Lines 63-67).”

9. Referring to Claims 7-10, 14, 19 and 21, the claims are rejected with similar rational as Claims 1, 3-6.

10. Referring to Claims 13, 15, and 16, the claims are rejection with similar rational as Claim 2.

Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al hereinafter Cromer (US 6,381,636) in view of Rajamani et al hereinafter Rajamani in further view of Beach (US 6,067,297) and Cheshire (US 20070038877).

11. Referring to Claim 18. Cromer, Rajamani, and Beach disclosed the service method of Claim 17. Although Cromer, Rajamani and Beach disclosed the invention substantially as claimed, did not explicitly disclosing "wherein the server request is a request for the mobile client's information and wherein the access point services the request itself if the table contains a valid copy of the mobile client's information"

Cheshire, in analogous art, disclosing " wherein the server request is a request for the mobile client's information and wherein the access point services the request itself if the table contains a valid copy of the mobile client's information (refer to par 0009)"

It would have been obvious for one of ordinary skill in the art to combine the teaching of Cromer, Rajamani, Beach and Cheshire because Cheshire's teaching would essentially reducing the bandwidth and provide faster response time.

Conclusion

Examiner's Notes: Examiner has cited particular Cols and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from

the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Karen C Tang/
Primary Examiner, Art Unit 2447